

**WEST CALDWELL BOARD OF ADJUSTMENT  
PUBLIC MEETING MINUTES**

July 16, 2015

A Public Meeting of the Board of Adjustment of the Township of West Caldwell was held on July 16, 2015 at 7:30 P.M. in the Municipal Building, 30 Clinton Road, West Caldwell, New Jersey. Chairman Backfisch opened the meeting and read the opening statement.

**ROLL CALL**

Members Present: Mr. Dolan, Mr. Adriaenssens, Mr. Rankin, Chairman Backfisch,  
Mr. Malia, and Mr. Schott

Members Absent: Mr. Shannon and Mr. McDonnell

Advisors Present: Larry I. Wiener, Esq., Tamara E. Bross  
Glenn Carter, Zoning Officer

**MEMORIALIZATION OF RESOLUTIONS**

A resolution for **Z15-09 Michael & Nicole Tirrito, 16 Lougheed Avenue, Block 2201 Lot 63, R-4 Zone** was memorialized, moved by Mr. Adriaenssens and seconded by Mr. Schott; by a vote of 4-0-2, as Mr. Dolan and Mr. Malia were not present for hearing.

A resolution for **Z15-10 Bernard and Nicholas Russomano, 8 Deerfield Road, Block 2604, Lot 4 R-4 Zone** was memorialized, moved by Mr. Schott and seconded by Mr. Rankin; by a vote of 4-0-2, as Mr. Dolan and Mr. Malia were not present for hearing.

A resolution for **Z15-11 Gary & Theresa Pankiewicz, 14 Evergreen Road, Block 2202 Lot 7, R-4 Zone** was memorialized, moved by Mr. Schott and seconded by Mr. Rankin; by a vote of 4-0-2, as Mr. Dolan and Mr. Malia were not present for hearing.

A resolution for **Z15-12 Fred Truzzolino, 1 Gymoty Road, Block 2801 Lot 1, R-3 Zone District** was memorialized, moved by Mr. Adriaenssens and seconded by Mr. Rankin; by a vote of 4-0-2, as Mr. Dolan and Mr. Malia were not present for hearing.

**HEARINGS**

**Z15-13 Tina Russo-Rivera, 53 Dalewood Road, Block 2700 Lot 28, R-3 Zone District**

Seeks N.J.S.A. 40:55D-70C variance to install a 6 foot fence. The applicant has proposed a front yard setback (corner property) of 10.5' whereas a minimum of 20' is required Section 20-21.14b.

Continuation from June 4, 2015

Mr. Wiener reminded Ms. Russo-Rivera that she was sworn in at the previous meeting and is still under oath; notice was carried.

Testimony and discussion followed by applicant stating that she staked out requested setback lines for proposed fence. She spoke to her neighbors and there are no issues with proposed setback.

Members stated that they all had a chance to drive by.

There were no questions or comments from the Public.

The hearing was closed and after Board deliberation; a motion was made by Mr. Adriaenssens and seconded by Mr. Rankin to grant variances requested and approved with appropriate conditions 4-0-2 Mr. Dolan and Mr. Malia were not present at previous meeting.

**Z15-15 Robert & Lauren Mooney, 12 McKinley Avenue, Block 306 Lot 11, R-4 Zone District**

Seeks N.J.S.A. 40:55D-70C variance to construct a second story addition. The applicant has proposed a side yard setback of 19'-39" whereas a minimum of 20.83' (30% of required 69.61" lot width) is required. Section 20-18.1b schedule of district regulations - defines a vertical extension as an enlargement of an existing nonconformity. A front yard setback of 27'9", is proposed whereas a minimum of 40' is required. Section 20-5.4 schedule of district regulations

Ms. Bross confirmed notice given and taxes current. Mr. Wiener swore in Lauren Mooney and Ron McLaughlin. Exhibit list was approved A-1 through A-7 and B-1 through B-2.

Testimony followed by applicants stating reasons for request of relief to construct a second story addition above the garage for their growing family. The master bedroom and bath will allow them to remain in their home and raise their son and new baby on the way as they very much want to stay in West Caldwell. Photo board was presented with 7 photos and an elevation marked A-8. The footprint will not change and 18 inches will extend over the footprint from the second story. There is not any negative impact for the neighbors as they will not lose any air or light.

There were no questions or comments from the Public.

The hearing was closed and after Board deliberation; a motion was made by Mr. Schott and seconded by Mr. Malia to grant variances requested and approve with conditions 6-0.

**Z15-16 Louis & Andrea LaMedica, 39 Washington Avenue, Block 508 Lots 24, R-4 Zone District**

Seeks N.J.S.A. 40:55D-70C1 variance to construct a rear deck. The applicant has proposed a side yard setback of 6'49" whereas a minimum of 10 (left side) is required. Section 20-5.4 schedule of district regulations- side yard setback. The applicant has proposed a plan with lot coverage of approx. 36% is proposed and whereas 30% is maximum, (Section 20-5.4.)

Ms. Bross confirmed notice given and taxes current. Mr. Wiener swore in applicants Andrea and Louis LaMedica. Exhibit list was approved A-1 through A-8 and B-1 through B-2.

Testimony and discussion followed by applicants stating reasons for request of relief for rear deck to expand the enjoyment of their yard and stated that both neighbors have a deck. Want to extend from the end of the home that exists close to the property line (preexisting nonconforming) which is causing the need for a variance.

Mr. Wiener swore in John Vacca contractor for the applicant and stated dimensions of current stairs and plan for deck off of back of house. Deck will be ten feet from the garage.

There were no questions or comments from the Public.

The hearing was closed and after Board deliberation; a motion was made by Mr. Rankin and seconded by Mr. Adriaenssens to grant variances requested and approve 6-0.

**Z15-18, Karl & Meredith Otterbein, 11 Boxwood Drive, Block 701 Lot 30, R-2 Zone District**

Seeks N.J.S.A. 40:55D-70C variances to construct a front porch, and second story addition. The applicant has

proposed a front yard setback of 35'7", whereas a minimum of 40' is required. Section 20-5.4 schedule of district regulations.

Mr. Wiener noted that there was not any conflict with hearing Mrs. Otterbeins application being that she was a former member of the Board of Adjustment. Ms. Bross confirmed notice was accurately given and taxes are current. Mr. Wiener swore in Meredith and Richard Karl Otterbein and JulieAnne Cecere as Architect. Exhibit list was approved A-1 through A-10 and B-1 through B-2. A colorized site plan of applicants property marked A-11 was added to the evidence list.

Testimony was offered by Ms. Cecere presenting details about site plan and reasons for requesting relief. The applicant is planning a second story addition to their split level home to add a master suite. This plan does not require any variances. The front porch is an updated element and improvement to the home and does require a front yard setback variance. Many of the homes in the neighborhood have constructed similar additions; therefore this proposed addition will fit within the character of the neighborhood without any negative impact. On behalf of her client Ms. Cecere is requesting that relief be granted for this application.

There were no questions or comments from the Public.

The hearing was closed and after Board deliberation; a motion was made by Mr. Malia and seconded by Mr. Adriaenssens to grant variances requested and approve 6-0.

### **DISCUSSION**

Members discussed lot coverage and interpretation. Board directed to reschedule and notice September 17, 2015 instead of September 2, 2015.

### **INVITATION FOR PUBLIC DISCUSSION**

There were no comments and/or discussion from the Public.

### **ADJOURNMENT**

The meeting was adjourned at 8:50 PM.

Respectfully Submitted,

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Tamara E. Bross, Board of Adjustment, Secretary